

1982 WL 189492 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 24, 1982

*1 Jane H. Livingston
Personnel Director
South Carolina Educational Television
Drawer L
2712 Millwood Avenue
Columbia, South Carolina 29250

Dear Ms. Livingston:

You have requested the opinion of this Office as to the application of the South Carolina nepotism statute, [Code Section 8-5-10](#). As noted in prior opinions under that Section, it applies only to the employment by 'the head of any department of this government' of any person related to him within the sixth degree of consanguinity or affinity. This Section applies only to heads of State departments or agencies, and does not prohibit promotion by persons within the prohibited degree of relationship, when such persons were already employed by the agency when the present agency head took office. In brief, the sole purpose of the nepotism statute is to prevent a person coming into office and proceeding to hire his relatives.

In the situation which you have described, Mr. Tom Stepp is a Senior Vice President of the South Carolina Educational Television Network. His wife is a first cousin to Mr. Henry Cauthen, the head of your agency. However, he was not the head of the agency at the time Mr. Stepp was employed and, in fact, Mr. Stepp was not married at that time. Therefore, the nepotism statute does not come into play in any manner. Likewise, the fact that Mr. Stepp was later promoted after he had become married and was related by affinity to Mr. Cauthen, is not affected by the statute. See 1979 Op.Atty.Gen., No. 7918.

In response to your final question, relationship within the 'sixth degree' extends to first cousins twice removed. The exact degree of kinship is always determined on a factual individual basis.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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